

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 4:19CR716
	:	
Plaintiff,	:	
	:	JUDGE PAMELA A. BARKER
vs.	:	
	:	
REUBEN RANKIN,	:	<u>DEFENDANT’S UNOPPOSED</u>
	:	<u>MOTION TO CONTINUE FINAL</u>
Defendant.	:	<u>PRETRIAL, TRIAL DATE AND ALL</u>
	:	<u>RELATED DEADLINES</u>
	:	

Defendant Rueben Rankin, through counsel, respectfully moves this Honorable Court to continue the final pretrial, trial date and for a commensurate extension of all dates/deadlines in the pretrial order. The final pretrial hearing is presently scheduled for April 27, 2020. The reason for this request is related to the COVID-19 pandemic. Assistant United States Attorneys Ranya Elzein and Carol M. Skutnik have no objection to this motion.

As of the date of this motion, the President has declared a national public health emergency, and the Governor of the State of Ohio has declared a public health emergency throughout the state and issued a “stay at home” order for 2 weeks that went into effect at 11:59 p.m. on March 23, 2020, both in response to the spread of the Coronavirus Disease 2019 (COVID-19). The Centers of Disease Control and Prevention (CDC) and other health authorities have advised people to take precautions to reduce the exposure to COVID-19 and to slow the spread of the disease. An important part of the CDC recommendations is social distancing: keeping an appropriate physical distance between people, and particularly in public settings.

This Court has issued General Order 2020-05, which addresses the urgency of the COVID-19 pandemic and the need to adjust criminal trial calendars in acknowledgement of the national threat from the virus. On March 23, 2020, this Court issued an Amended General Order 2020-05-01, which addresses the urgency of reducing the size of public gatherings and reduce unnecessary travel and the need to close the Court to the public until May 1, 2020. Mr. Rankin is currently housed at Northeast Ohio Correctional Center, and has been detained in this case since its inception. Counsel submits that each transport of a defendant to court causes increased exposure to that detainee and to the jail personnel and transporters. In addition, counsel submits that the required presence of the parties to the proceedings before this Court is required under Federal Rule of Criminal Procedure 43, which exposes each participant and court personnel to potential spread of the COVID-19 virus.

Defense counsel needs additional time to review the protected discovery with Mr. Rankin, conduct investigation and pursue plea negotiations which could result in a resolution in this matter without a trial. The additional time is needed to effectively prepare any pretrial motions, consider a plea offer or prepare for a possible trial. In addition, counsel has been working with her IT staff to obtain McAfee software so discovery can be copied to password protected DVDs to provide to Mr. Rankin for his review. CD/DVDs are the only media that CCA accepts. Due to COVID-19, delivery of software has been delayed. The request for this continuance is made in the interest of justice and not for needless delay. The interests of justice far outweigh the public's interest in a speedy trial and would best be served by granting this motion. See, 18 U.S.C. § 3161(h)(7)(A).

Pursuant to 18 U.S.C. § 3161(h)(7)(A), Mr. Rankin asks this Court to find that the ends of justice are served by the granting of this continuance, and outweigh the best interest of the public and the defendant in a speedy trial. Furthermore, counsel states that she has talked with Mr. Rankin

and has advised him of his right to a speedy trial. Understanding this right, Mr. Rankin waives his right to a speedy trial.

Having full and complete knowledge of the foregoing factors and the specific rights and requirements provided and set forth under Section 3161, Mr. Rankin hereby move this Honorable Court for a continuance for the trial date beyond the seventy (70) day limitation set forth in Title 18, Section 3161 *et seq.*

All parties have consulted and are available for a final pretrial on August 17th, 18th, or 19th, 2020, and begin trial on the following dates September 7th, 14th, or 17th, 2020.

Based on the foregoing, Mr. Rankin respectfully requests an Order from this Court continuing all dates and related deadlines in this case.

Respectfully submitted,

STEPHEN C. NEWMAN
Federal Public Defender
Ohio Bar: 0051928

/s/CAROLYN M. KUCHARSKI
CAROLYN M. KUCHARSKI
Assistant Federal Public Defender
Ohio Bar: 0062119
DARIN THOMPSON
Assistant Federal Public Defender
Ohio Bar: 0067093
1660 West Second Street, Suite 750
Cleveland, Ohio 44113
(216) 522-4856 Fax: (216) 522-4321
e-mail address: carolyn_kucharski@fd.org
darin_thompson@fd.org